

Serial Number: 10/537,354
Attorney Docket: CHUC3006PCT-US

Remarks

Claims 1-5 are in the case.

Claims 1 and 2 are amended. Statement of basis is not necessary in view of the nature of the objection and rejections.

Claims 1-4 are objected to because of a misspelling. Correction is made by amendment to claim 1. Reconsideration is requested.

Claims 2-4 are rejected under 35 U.S.C. 112 because the word "method" in claim 2 should be --hydrogel--. Correction is made by amendment herein. Reconsideration is requested.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al. (U.S. 6,486,213) in view of Kim et al. (WO 00/12619). Reconsideration is requested.

It is submitted that the applied reference combination is defective because Chen doesn't provide basis for substitution from Kim. This is because Chen embraces hydrogel from block copolymers (column 18), graft copolymers (column 18), and crosslinked hydrogels where a pH sensitive backbone is lightly crosslinked (column 20, line 16) or hydrogels of graft and block copolymers which are lightly crosslinked (column 20, lines 38-39). It is submitted that no basis is presented for this "lightly crosslinked" requirement meeting the crosslinked hydrogels of Kim et al. Chen describes his lightly crosslinked hydrogels as soluble or erodible (column 20, lines 26-27). On the other hand, the hydrogels of the instant invention are swellable [0042] in water.

It is submitted that the applied reference combination is defective because the portions of Chen relied on to teach the percentage ranges of claim 1 are inappropriate for this purpose. The Office Action says Chen teaches "carboxy group containing polysaccharide (15:17-22) and from 80 to 35% by weight (Table 4) N-isopropylacrylamide (12:35-38) with the total of the dextran maleic acid monoester and N-isopropylacrylamide being 100%". How can that be when Table 4 and 12:35-38 don't refer to any carboxyl group containing polysaccharide but rather to polyacrylic acid (AAc); see column 9, line 65.

It is submitted that the applied reference combination is also defective because there is no reasonable expectation of success from the reference

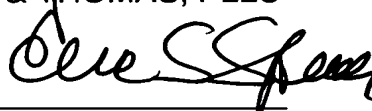
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combination for operative photocrosslinking of dextran maleic acid monoester hydrogel precursor and N-isopropylacrylamide hydrogel precursor in solution which is required for making the claimed hydrogel.

We turn now to claims 3-5. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chen plus Kim. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable under Chen plus Kim further taken with Hawley's Condensed Chemical Dictionary. Reconsideration is requested. Claims 3-5 distinguish the rejections because the combination of Chen et al. and Kim et al. is defective as explained above. The rejection of claim 5 also relies on 12:35-38 and Table 4 of Chen for molecular weight ranges; as indicated above, this reliance is misplaced. Claim 4 is further submitted to be patentable because while Chen teaches a lower critical solution temperature (LCST) which is less than or near body temperature, it is submitted that the applied prior art combination fails to teach hydrogel as claimed with this LCST and does not provide an expectation of success for obtaining hydrogel as claimed with this LCST.

Allowance is requested.

Respectfully submitted,
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